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122 East 42nd Street
New York, NY 10168

In re Application of BRAGAGNOLO et al :
U.S. Application No.: 09/786,098 :
Int. Application No.: PCT/AU99/00707 :
Int. Filing Date: 31 August 1999 : **COMMUNICATION**
Priority Date: 21 August 1998 :
Attorney Docket No.: F-6863 :
For: PANEL MOUNTING FRAME AND METHOD :

This is in response to applicants' "Response to Decision of August 3, 2001" filed
10 September 2001.

BACKGROUND

On 31 August 1999, applicants filed international application PCT/AU99/00707, which claimed priority of an earlier Australia application filed 31 August 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 17 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 February 2001.

On 28 February 2001, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, an authorization to charge the basic national fee required by 35 U.S.C. 371(c)(1), an "Inventor Information Sheet", and the present request.

On 17 May 2001, applicants filed two executed declarations.

On 03 August 2001, this Office mailed a decision which indicated that the name of the second inventor listed in the international application does not match that listed on the declarations.

On 10 September 2001, applicants filed the present response.

DISCUSSION

The present response states that applicants' intent was to have the inventors' names on the declaration match those listed in the international application. However, the second inventor's name is listed on the declarations as "Noel Sydney Davidson Wood", while the second inventor's name is listed in the international application is "Noel Sydney David Wood".


If the second inventor's name is to be listed as "Noel Sydney Davidson Wood", a proper petition under 37 CFR 1.182 is required, because this is clearly more than a mere typographical error or a phonetic misspelling of the inventor's name. Such a petition must be accompanied by the requisite petition fee of \$130.00 as well as statements from the inventor and any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered and must also set forth that the mistake was an inadvertent error without deceptive intent.

If the second inventor's name is to be listed as "Noel Sydney David Wood", a new declaration which correctly lists the name of the second inventor and which is executed by both inventors must be submitted.

CONCLUSION

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response would include either: 1) a cover letter entitled "Petition Under 37 CFR 1.182" along with the requisite petition fee and an acceptable explanation of the facts as discussed above or 2) a newly executed declaration as discussed above. Failure to respond to this decision in a timely manner will result in ABANDONMENT of the application. Extensions of time are available pursuant to 37 CFR 1.136.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.


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